

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Patent Examining Operations**

Applicant(s): Cook, et al  
Serial No: 10 043,471  
Filed: January 11, 2002  
Title: Use of High Density Microparticles for Removal of Pathogens  
Customer No.: 27162  
Attorney  
Docket No.: 61750-378

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**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Enclosed please find the following:

1. Response to Restriction Requirement with Traverse of Same; and
2. A self-addressed, postage paid, return receipt postcard, date stamp and return of which is respectfully requested.

The Commissioner is authorized to charge payment of any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or credit any overpayment to Deposit **Account No. 03-0678**.

**FIRST CLASS CERTIFICATE**

I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service with sufficient postage as First Class Mail to addressee, under 37 CFR 1.8, on the date indicated above address:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Raymond E. Stauffer, Esq. Date

#189250 v1

Respectfully submitted,

Raymond E. Stauffer, Esq.  
Reg. No. 47,109

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Applicant : Cook *et al.*  
Serial No. : 10/043,471  
Filed : January 11, 2002  
Title: : USE OF HIGH DENSITY MICROPARTICLES  
FOR REMOVAL OF PATHOGENS  
Examiner : David A. Reifsnyder  
Art Unit : 1723  
Attorney Docket No. : 61750-378

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COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 25, 2003

**RESPONSE TO RESTRICTION REQUIREMENT,**  
**WITH TRAVERSE OF SAME**

Dear Sir:

In response to the Restriction Requirement mailed June 25, 2003, Applicants elect the claims of Group I, that is claims 1-28 drawn to methods of removing target pathogens from a biological fluid, with the following remarks to be considered in traverse.

Serial No: 10 043,471  
Filed: January 11, 2002

Deposit Account No.: 03-0678.

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CERTIFICATE OF MAILING

Deposit Date: July 25, 2003

I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service with sufficient postage as First Class Mail to Addressee, under 37 CFR 1.8, on the date indicated above addressed to:

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Raymond E. Stauffer* *7/25/03*  
Raymond E. Stauffer, Esq. Date

#188649 v1 - response to restriction requirement

Respectfully submitted

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### REMARKS

Reconsideration of the Restriction Requirement is requested in view of the fact that the method and product claims are related inventions. Group I and Group II are related in that the products of Group II have *particular* application to the processes of Group I.

Moreover, Applicants' Attorney has been unable to uncover *any* reference suggesting that the product comprising *high density microparticles coated with a poly(glutamic acid, lysine, tyrosine) tri-amino acid polymer in a 6:3:1 ratio*, as so claimed, "can be used in a materially different process." [MPEP 806.05(h)], than that claimed in Group I. Specifically, Applicants' Attorney can find no reference comporting with the Examiner's suggestion that the product, as claimed (Group II), can be "used as ion exchange resins for the purification of solutions, in particular aqueous solutions, in order to remove pollutant ions, such as heavy metals and radio-nuclides therefrom." Significantly, Sigma-Aldrich the maker of the tri-amino acid polymer component of these claims (Product P8854)(see page 21 of the specification), offers no insight as to the *polymer* component's major industrial use (See [www.sigma-aldrich.com](http://www.sigma-aldrich.com)). That the *combination* of that polymer component with a high density microparticle component can be used for the *materially different process* asserted by the Examiner, seems specious at best.

It is believed that no fee is due, however, if any fee is due it should be charged to